

REMARKS

Reconsideration of the present application in view of the remarks provided below is respectfully requested.

Status of the Claims

Claims 31-37 are pending in the application.

Claims 31-37 stand rejected.

Claim Rejections Under 35 USC 102

Claims 31-36 stand rejected under 35 USC 102(b) as being anticipated by Carlucci et al. (WO 01/72252 A1). The Examiner rejection is respectfully traversed.

It is respectfully submitted that a close review of the invention as recited in independent claim 31 and Carlucci et al. reveals that the Examiner has failed to establish a proper rejection under 35 USC 102(b). That is, it is respectfully submitted that Carlucci et al. fails to disclose each of the elements of the claimed invention. Specifically, it is submitted that Carlucci et al., at the very least, fails to disclose an article as claimed including an absorbent system that is free of fibrous material and “comprises a mixture of a *hot melt adhesive* and a liquid-absorbing polymer”.

In reaching the rejection set forth in the Office Action the Examiner appears to contend that Carlucci et al. discloses all of the features of the claimed invention stating in part that Carlucci et al. discloses an “absorbent system free of fibrous material and comprises a mixture of hot melt adhesive and a liquid absorbing polymer inasmuch as the Hydromelt adhesive disclosed by Carlucci is a hot melt adhesive.” (Office Action, p. 2)

It is respectfully submitted that the “Hydromelt” adhesive identified by the Examiner is not a “hot melt” adhesive whatsoever by a rather a hydrogel adhesive. In this regard the Examiner’s attention is directed to text of Carlucci that states:

If this absorbent core is desired to be transparent then it can be provided by a layer comprising 100% of an absorbing gelling material. Such gelling material must then be transparent, typical example transparent absorbent gelling material is a water based *hydrogel* adhesive which is not saturated with water. Such *hydrogel* adhesives are known as body adhesives but can be used in a less water saturated form as transparent absorbent cores. An example of such a material is Hydromelt NP-2257, available from the H.B. Fuller Company, Luneburg, Germany. (Carlucci et al., p. 12, l. 31 through p. 13, l. 3, Emphasis Added)

In view of the above it respectfully submitted that the Examiner has failed to establish that Carlucci et al. discloses a hot melt adhesive whatsoever since the identified adhesive is in fact a hydrogel adhesive. Accordingly, it is respectfully submitted that the Examiner has failed to establish that Carlucci et al. disclose all of the features of the claimed invention. Thus, it is believed that the Examiner’s rejection under 35 USC 102 is improper and should be withdrawn.

Claim Rejections Under 35 USC 103

Claim 37 stands rejected under 35 USC 103(a) as being unpatentable over Carlucci et al. (‘252) in view of Grondin et al. (US 6103954). The Examiner’s rejections are respectfully traversed.

It is respectfully submitted that Grondin et al. fails to overcome the shortcomings of Carlucci et al. discussed above and thus cannot be combined therewith in any manner to thereby render the claimed invention obvious.

Reconsideration of the application is respectfully requested. The Examiner is invited to call the applicants' undersigned representative if any further action will expedite the prosecution of the application or if the Examiner has any suggestions or questions concerning the application or the present Response. In fact, if the claims of the application are not believed to be in full condition for allowance, for any reason, the applicants respectfully request the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims pursuant to MPEP § 707.07(j) or in making constructive suggestions pursuant to MPEP § 706.03 so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,

By: /Paul J. Higgins/
Paul J. Higgins
Reg. No. 44,152
Attorney for Applicant(s)

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-1728
Dated: February 24, 2010